

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 8:18-MJ-684(TWD)

DEAN BROOKS)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of approximately December 2017 through January 2018 in the county of St. Lawrence in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. § 2251(a)

Offense Description
Sexual Exploitation of a Child

This criminal complaint is based on these facts:
See attachment

☒ Continued on the attached sheet.

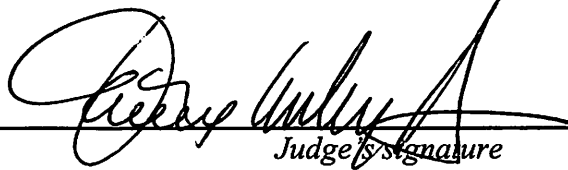


Complainant's signature

Chad Willard, SA HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: Nov. 13, 2018


Judge's signature

City and State: Syracuse, NY

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Chad J. Willard of United States Department of Homeland Security, Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), and have been so employed since August 6, 2006. I graduated from the Criminal Investigator Training Program and the ICE Special Agent Training programs at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. I am currently assigned to the HSI resident agent in charge office in Massena, NY. I have participated in investigations involving fraud, alien smuggling, narcotics smuggling, child pornography and intellectual property rights. I have conducted or participated in surveillance, execution of search warrants and debriefing of subjects. I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography, as defined in Title 18 United States Code, Section 2256.

2. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations and to make arrests for Title 18 offenses enumerated in Section 2516 of Title 18, United States Code.

3. This affidavit is made in support of a criminal complaint charging DEAN BROOKS with violating Title 18, United States Code, Section 2251(a), Sexual Exploitation of a Child.

4. The statements in this affidavit are based in part on information provided by the Baldwin County Sheriff's Office, Bay Minette, AL, and on my investigation of this matter. Since this affidavit is being submitted for the limited purpose of supporting a criminal complaint,

I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that DEAN BROOKS has committed the crime of Sexual Exploitation of a Child, in violation of Title 18, United States Code, Section 2251(a).

BACKGROUND OF THE INVESTIGATION

5. On March 8, 2018, Investigator Richard Gingras of the Baldwin County Sheriff's Office in Bay Minette, Alabama advised Resident Agent in Charge (RAC) Russell Linstad of a potential child exploitation investigation in HSI Massena's area of responsibility. RAC Linstad advised your affiant that on January 9, 2018, Investigator Gingras was informed by Corporal Ted Stone with the Robertsdale, Alabama Police Department that the Baldwin County School Board reported finding self-made child pornographic images on one of their school-issued laptop computers, a Lenovo Chromebook that had been assigned to a 14 year-old student, B.B. (hereinafter V1).

6. The investigation by the Baldwin County Sheriff's Office revealed that the Yahoo email account deanbrooks242@yahoo.com, which V1 had listed in her email as "deanmycell3158692261 brooks" was communicating with V1, specifically V1 emailed eight sexually explicit photos (as attachments) of herself to deanbrooks242@yahoo.com and engaged in sexually explicit conversations. In some of the conversations, deanbrooks242@yahoo.com makes mention about wanting to take V1's virginity, and asks V1 to take photos of herself masturbating and send them to him at deanbrooks242@yahoo.com. He also stated that he wants to meet V1 some time by driving his motorcycle down to Alabama, and offers to bring a tow behind camper for them to stay in. On at least two occasions throughout their communications V1 states that she is fourteen years old, and deanbrooks242@yahoo.com says that he would get in trouble if anyone

ever found out about their relationship. Additionally, the Baldwin County Sheriff's Office found that phone number (315) 869-2261 is subscribed to in the name Danyell Brooks with a residential address in Hammond, NY.

7. On March 26, 2018, and on multiple subsequent dates thereafter, your affiant reviewed the contents of a DVD received from Investigator Gingras which contained the content of the search warrant results executed by the Baldwin County Sheriff's Office on V1's Google accounts. The following conversations are from the above-mentioned DVD. Please note V1 is located in the central time zone while Dean Brooks is located in the Eastern time zone.

- a. On Thu, 12/28/17[V1] wrote:
Subject:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 1:59 PM

sorry didnt mean to send that

On Thu, Dec 28, 2017 at 1:00 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

U can tell me anything I promise

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 2:01 PM

i dont tell every body this iv'e only told one person before

On Thu, Dec 28, 2017 at 1:02 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

Ok tell me if u want

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 2:05 PM

ig i can....i kinda feel turned on.....even though i probably shouldn't say that

On Thu, Dec 28, 2017 at 1:26 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

Show me ur wet pussy

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 2:30 PM

promise u wont judge

On Thu, Dec 28, 2017 at 1:31 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

baby girl I'm wanting ur cum

At this point the following image was emailed by [V1]:

IMG_20171228_132927.jpg – This is a close-up picture of a female's vagina with her legs spread open. The female's genitals appear to have little to no pubic development.

- b. On Thu, 12/28/17, [V1] wrote:
Subject:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 4:26 PM

whats ur phone number again i didnt write it down sorry

On Thu, Dec 28, 2017 at 3:28 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

315 869 2261 don't call me right now my roommate's are home

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 4:28 PM

oh ok

On Thu, Dec 28, 2017 at 3:31 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

U can call me tomorrow at noon if u want but I'm always here through e-mail

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 4:33 PM

i dont think i can call tomorrow

On Thu, Dec 28, 2017 at 3:36 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

Next time we have sex take ur middle and ring finger in ur pussy in an up and down motion fast u will like it

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 4:36 PM

ok

On Thu, Dec 28, 2017 at 3:39 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

Ok I'll leave u alone for now and I'll say it first I love u

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 4:39 PM

i love you too...but where are you going

On Thu, Dec 28, 2017 at 3:42 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

New York

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 4:43 PM

no i meant i can still talk if u still want to talk

On Thu, Dec 28, 2017 at 3:45 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

I'm here baby

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 4:46 PM

i miss you

On Thu, Dec 28, 2017 at 3:47 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

Then u should get naked and fuck me

On Thu, 12/28/17, [V1] wrote:
Subject: Re:
To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>
Date: Thursday, December 28, 2017, 4:48 PM

mmmmmmmm ok

On Thu, Dec 28, 2017 at 3:55 PM, deanmycell3158692261 brooks
<deanbrooks242@yahoo.com> wrote:

Get lube rub all over pussy and then send me pic and I'll make u explode

On Thu, Dec 28, 2017 at 4:01 PM, [V1] wrote:

ok hang on

At this point the following image was emailed by [V1]:

IMG_20171228_160431.jpg – this is an image of a female's vagina. The picture is taken close-up and only shows the female's genitals and fingers which are

being used for self-stimulation. The female's genitals appear to have little to no pubic development.

c. On Thu, 12/28/17, [V1] wrote:

Subject:

To: "deanmycell3158692261 brooks" <deanbrooks242@yahoo.com>

Date: Thursday, December 28, 2017, 8:29 PM

all i ask for is someone to love me and to care for me and a safe home beause where i'm living isn't a home

On Thu, Dec 28, 2017 at 7:32 PM, deanmycell3158692261 brooks <deanbrooks242@yahoo.com> wrote:

What should I do if I get caught with we both are in trouble me way more than u. I want to come rescue u but how? I legally can't do nothing till ur of age

8. Your affiant has reviewed all the images contained on the DVD from Investigator Gingras and found eight (8) images of V1, that meet the definition of child pornography, as defined in Title 18 United States Code, Section 2256. Also located during the search warrant of V1's email were 8 pictures of DEAN BROOKS, a resident of Hammond, NY and 5 pictures of an adult male's penis.

9. Further investigation of the photos sent by DEAN BROOKS to V1 using open source software were found to have EXIF data. EXIF is short for Exchangeable Image File, a format that is a standard for storing interchange information in digital photography image files. All the photos taken by Dean Brooks and sent to V1 contain EXIF data indicating that an LG Electronics LG-H900 camera was used to take the photos. Research done on the LG-H900 camera indicate that this is a model of smartphone produced by LG Electronics commonly referred to as the "V10." LG Electronics website revealed the LG-H900 has the option of using a micro SD card to expand the storage capacity of the phone.

EXECUTION OF FEDERAL SEARCH WARRANT

10. On November 12, 2018, your affiant and other law enforcement officers went to BROOKS' residence, in Hammond, NY, and executed a search warrant that was authorized by this court on November 8, 2018. DEAN BROOKS was present at the residence when agents arrived. Shortly thereafter Danyell Brooks arrived and spoke to your affiant. Danyell Brooks explained that around April of this year she and DEAN got new cell phones. When questioned about the whereabouts of the cell phones they would have been using at the end of 2017 into January of 2018 Danyell Brooks brought your affiant and Computer Forensic Agent (CFA) Jeremy Cragolin into the residence and provided them with both her and DEAN BROOKS' old cell phones. The phone Danyell Brooks stated was her husband's old phone was an LG-H900 "V10" cell phone. This cell phone contains the same model camera as indicated in EXIF data used to take the pictures of DEAN BROOKS that were sent to V1. This cell phone was forensically examined by CFA Cragolin and found to contain V1's email address on the device.

11. DEAN BROOKS was brought to the Ogdensburg, NY Police Department. At the Ogdensburg Police Department BROOKS was issued *Miranda* warnings. BROOKS waived his *Miranda* rights and agreed to speak with your affiant. During the interview, BROOKS provided his email address as deanbrooks242@yahoo.com. BROOKS also provided his cell phone number as (315) 869-2261. BROOKS stated that he was familiar with and did meet V1 on the website "apenpal.com." BROOKS admitted that he did know that V1 was 14 years of age and that this was established prior to him engaging in sexually explicit conversations and exchanging sexually explicit photos with V1. BROOKS was shown several photos of himself and the adult male penis pictures found in the conversations he had with V1. BROOKS admitted to sending several of the photos of himself and admitted that at least two of the penis photos were his penis in that he

recognized the closet from his living room in the background of one and the sweatshirt he was wearing during the interview in another. BROOKS was also shown several photos of V1 which were shared during their sexually explicit conversations. BROOKS admitted to recognizing 4 pictures of V1's vaginal area and one picture of her face which included her naked breasts. BROOKS admitted asking for these photos from V1.

12. The images referenced above are available for the Court's review upon request.

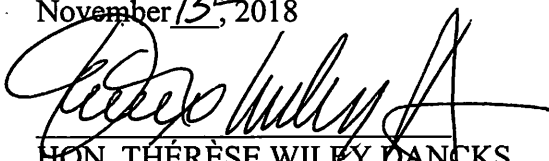
CONCLUSION

13. Based upon the above, your affiant respectfully submits that there is probable cause to believe that DEAN BROOKS employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, or for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting such commerce, and where such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, in violation of 18 U.S.C. § 2251(a).



Chad Willard
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on
November 13th, 2018



HON. THERÈSE WILEY DANCKS
United States Magistrate Judge